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International Court of Justice

H3299 - 0002

OFFICE OF CHIEF OF COUNSEL FOR WAR CRIMES

EVIDENCE DIVISION

Date : 22 July 1948

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Fred NIEBERGALL
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Nuremberg, 6 July 1948

Paul Joosten

PAUL A. JOOSTEN

General Secretary
International Military
Tribunal

DOCUMENT NO. 3593 PS
OFFICE OF U.S. CHIEF OF COUNSEL

INTERROGATION OF

HERMANN GOERING

(taken at Nurnberg, Germany
on 13 October 1945 at 1045
by Dr. R. M. Kempner)

INTERNATIONAL MILITARY TRIBUNAL
NURNBERG, GERMANY
USA Exhibit 712
Filed Jan 15, 1946

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Testimony of HERMANN GOERING, taken at Nurnberg, Germany on 13 October 1945, 1045 - 1200, by Dr. R. M. Kempner, OUSCC.
Also present: Pfc. Richard W. Sonnenfeldt, Interpreter; and S/Sgt. William A. Weigel, Court Reporter.

DR. KEMPNER TO THE WITNESS IN GERMAN:

Q Do you know Rolf Diels?

A (In German) Yes, of course; he was the leader of the Gestapo.

Q Do you believe that he is reliable if he tells something?

A That depends on what period you are talking about, especially in the last years. He has not been able to, let's say, concentrate very well, and he talked a lot of nonsense in the last years especially. Early he was very reliable.

Q He was your brother-in-law?

A Only for a short time.

Q You know Paul Koerner?

A Yes.

Q Is he reliable in his statements?

A I believe that absolutely.

Q How about Critzbach. Is he reliable in his statements?

A I believe so.

Q When did you see Critzbach for the last time?

A In March, I believe, shortly.

Q Where was it?

A I returned from Berchtesgaden to Berlin and while traveling I stopped

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and I saw him then, but only for a few minutes.

Q I talked to Paul Koerner and the other people a few days ago, and I talked to Diels in an earlier period. Now I want to tell you what Diels told me, and I would like to hear your opinion about that. Diels says that you knew exactly that the fire was to be started in some manner, and that he had prepared the arrest lists already previously, the lists of people that were to be arrested immediately the night after the fire.

A When did he say that?

Q He told that for the first time two days after the fire and he later repeated it.

A To whom did he say that two days after the fire?

Q To certain officials of the Ministry of the Interior.

A It is true that lists for the arrest of Communists quite independent of the Reichstag fire had already been prepared. The fire did not have to start for that. They would have been arrested anyway. If Diels said that I knew about the fire, then for some reason he must have told nonsense, and I can't explain it in any way, and it would be very interesting to me to be confronted with Diels so that he can tell it to my face.

Q When did the people start to prepare the lists of arrests?

A According to my opinion, that was already quite a long time before, when the Communist unrest, murders, clashes and so on did not cease. Then the destruction of the Communist Party was to be effected anyway. Whether the fire came or not, this would have happened in any event. The Reichstag fire only accelerated the thing in that manner, because the Fuehrer ordered in the night that the arrests were to be made immediately.

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Q On that list there were not only Communists, but also a number of other people, also Social Democrats, Catholics, and so on?

A I already said once before, you must differentiate between the lists that were put up in Prussia and other German States.

Q No. I am talking about the Prussian list.

A I cannot imagine anyone on the list who was a Catholic. I said already before Social Democrats were listed in Prussia, but not Catholics. I even used Catholics as district presidents.

Q Whom, for instance?

A ~~Drunnage~~. Both brothers ~~Luedinghausen~~ von Luenning.

Q Gritzbach also told that you knew about the Reichstag fire beforehand. He does not state it as precisely as Diels, but he says the same.

A But when did he say that?

Q It is a few weeks ago.

A I can't judge about what people say now, but I would like to be confronted with Gritzbach and have him tell me to my face that I knew about that.

Q Neither one of them said that you started the fire, but they both say that you knew of it.

A I did not know about it and they cannot know about it. Gritzbach did not even belong to my personal entourage at that time.

Q Do you go as far in saying that you did not even sense that something would happen from another side but that you had nothing to do with it?

A I did not sense anything like that, because I emphasize again that it would have been lunacy to put us out of the house, which was very important to us, and afterwards I had a very great difficulty to find a substitute for the

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(GOERING)

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Reichstag building.

Q Did you not hear at the time by rumor that some large building was to be burned in Berlin, and then the Reichstag was chosen as a symbol, so to speak?

A This conception only came into being very strongly later, and that was because we believed that the Reichstag fire was to be a finale to be used by the Communists. I was very sceptical in this direction already in the beginning that the Communists would have chosen the Reichstag for that. When I was asked in the cell whether I thought that possibly the Communists did all that, then I negated it.

Q But one hour after the Reichstag started burning, your press advisor told me on the Reichstagplatz, told myself personally, that according to an investigation, "the Communists have put fire to the Reichstag."

A Right. That was already before an investigation started. It was supposed at once that the Communists had burned it.

Q How could you tell your press agent, one hour after the Reichstag caught fire, that the Communists did that, without any investigation?

A Did the public relation offices say that I said that?

Q Yes. He said you said it.

A It is possible when I came to the Reichstag the Fuehrer and his gentlemen were there. I was doubtful at the time, but it was their opinion that the Communists had started the fire.

Q But you were the highest law enforcement official in a certain sense. Daluege was your subordinate. Looking back at it now and not in the excitement

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(CONFIDENTIAL)

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that was there once, wasn't it too early to say without any investigation that the Communists started that fire?

A Yes, that is possible, but the Fuehrer wanted it this way.

Q Why did the Fuehrer want to issue at once a statement that the Communists had started t e fire?

A He was convinced of it.

Q It is right if I say that he was convinced without having any evidence or any proof of that at this moment?

A That is right, but you must take into account that at that time the Communist activity was extremely strong, that our new government as such was not very secure.

Q At what time did the conference take place about the law of the 28th of February, 1933?

A A conference in that sense did not take place. Right at the spot the situation was discussed. It was decided that the sharpest measures should be used. I don't remember exactly how this law came into existence. But the fact is clear that an emergency status had to be declared.

Q Did Diels have his hands in the Reichstag fire and did he appear at the scene trying to shift the guilt?

A No. I don't think that is possible. If I think anything else possible--but after all, I still think that it is right that Van Der Lubbe put all those things in the Reichstag.

Q But you started a sentence you have not completed, go on with the idea you had in mind.

A If at all something else was done in this matter or intended, then

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I can only imagine it must have come from a side that wanted to create difficulties for us.

Q What do you think in this direction, for instance, about Police President Ernst? Let's talk frankly about Ernst.

A Yes. That is the man who I thought of, if at all another hand was in the game. But I think the letter which I saw the other day is absolute nonsense. Diels and his man had nothing to do with it, but as far as Ernst is concerned, I think anything is possible.

Q One of your friends told me that the activity of Ernst was discussed in this connection in your circle, and other people were there too. Would you tell us what was said then? It was discussed in your house that Ernst and the SA played a part in it. Would you report to us on that conversation?

A It was only mentioned very briefly. There was no evidence there. Van Der Lubbe had stated that he placed those things in the Reichstag, and, therefore, it was not discussed any more.

Q Why did you discuss the name of Ernst and the SA in connection with the fire?

A Ernst played a part in it; I don't remember who told me that. From the beginning I thought that Ernst was a man who would like to create the greatest difficultion for us, because he was responsible for wild concentration camps and he tortured people there. He was also a "driving" power. He once was very important to Hitler.

Q We have certain proof that Goebbels and Ernst got along very well at this time, and that Goebbels knew something about the Reichstag fire, and that you talked about it to others.

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(CONTINUED)

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A I don't believe so. Ernst was the SA leader and Goebbels did not have any good relationships with him. Goebbels always had a certain mistrust of the Berlin SA, because they tried to do a putsch in 1930, and made the position very, very difficult.

Q Why wasn't the passage locked between your house and the Reichstag building?

A It was never locked. That is a passage that is used for the heating of the place. I did not even live in that house at that time.

Q Where did you live at that time?

A In the Kaiserdamm.

Q Is that the place that Thyssen told me about that he helped to furnish it, and he gave 150,000 marks to you?

A He did not give 150,000 marks to me. He gave 20,000, but not for this purpose. I received the money from the Fuehrer.

Q Is Thyssen lying?

A Thyssen never gave me 150,000.

Q Thyssen told me yesterday that he gave you 150,000 in 1932.

A No. He gave me 20,000 Dutch guilders in that year, but they were not used for that purpose.

Q He did not give 150,000?

A No.

Q In 1932?

A No. He gave me 20,000 guilders in Holland.

Q He stated that under oath.

A No. He was wrong.

Q He was wrong?

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(CONTINUED)

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A No. He actually gave much more.

Q When, for instance?

A What money are you talking about now? It is my opinion that he gave more than 150,000 marks. Yes.

Q At that time, you were the Chief of the Prussian Police. Did you give any directions that the Reichstag fire also was to be investigated in the direction of these Stormtrooper (SA) people, or did you limit yourself to an investigation of the liberals and the Communist Party?

A I enlarged the Daluege investigation into who started the fire. Then by order of the Fuehrer, the investigation, which as such was not within the jurisdiction of the Reich Supreme Court, was given to the Reich Supreme Court, and I had nothing to do with it. The Reich Supreme Court at that time was still the old court.

Q Who did you tell to investigate the thing correctly in Berlin? Who did you give directions to for that?

A I only could give directions to the police.

Q Who did you talk to? Daluege?

A No. Daluege was concerned with the Order Police.

Q But he was your Ministerial Director?

A I don't remember the details any more.

Q Did you talk to Diels?

A Yes, certainly to Diels.

Q Did you talk to Volk, the deputy of Diels?

A I don't know that, but Diels--that is decisive.

Q Did you talk to him?

A Yes, of course, that he was to make a police investigation, and then

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things happened very fast. A few days later the whole thing was transferred to the Reich court.

Q Is it right if Diels says you expressly gave directions on this to follow the Communist line and not to make any investigations in the SA, and Ernst not to draw in anybody else?

A That is not right, because Ernst was not even mentioned at that time.

Q How do you explain that all people say that you did it?

A Well, that was said at once then. They know that. All the press abroad said two days later that I had started the fire.

Q Why wasn't it said at that time that it was Ernst and those people?

A They were not well known to the foreign countries. I was the President of the Reichstag, and, as a consequence, it was rather obvious for those people to name me.

Q Who were the friends of Ernst, or who would you say was the group that was connected with him at that time?

A I don't know who was closely connected with Ernst. I don't know those people. I did not like Ernst at all, and I did not like his inclinations.

Q Are you talking of his homo-sexual inclinations, are you?

A Yes, but as a politician.

Q But as a politician and a Prussian Chief, you knew that those people who always created difficulties for you were Ernst's men?

A That was Ernst, but the names of his people--there were a few more SA leaders who were not in Berlin. There was Heidebreck in Pomerania, who made difficulties. Ernst also put this funny SA honor guard on me, who were to arrest me one day, and I got rid of them by some excuse. I disbanded it.

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Q If the Reichstag fire had not happened, when would you have arrested those people that were then on the lists?

A It is my conviction, eight or ten days later.

Q Also the Social Democrats and the Catholics?

A I emphasize again that I am not conscious of any Catholics being on that list. I would have to know their names.

Q Wirth, for instance.

A Wirth was not in Prussia. He was not in Berlin at the time.

Q But he was in Berlin.

A I don't remember giving that order.

Q Is it possible that Diels and his people did that on their own initiative; that they put people on the lists?

A Yes.

Q They could have done that if they had the conviction that there were people who had some connection with the unrest and that they would be dangerous?

A No. No list was submitted to me.

Q Did you only give the general direction that people were to be arrested?

A I only gave the general directions, already before the Reichstag fire, that all the Communist leaders were to be registered, and that preparations were to be made to arrest them at once if necessary.

Q Which directions did you give about the Social Democrats?

A I did not give any directions about the Social Democrats, no general direction, but at that time I still paid pensions to Social Democrats. I allowed Braun to go to Switzerland, and I sent his money to him.

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Q Braun was in Switzerland before the 20th of July, 1932.

A Yes, but he still received his pension.

Q Until when?

A Until the great difficulties came up with foreign currency.

Q I believe that you are also wrong in this respect.

A They wrote a letter to me, and I remember it very well. I remember it exactly. Was Wirth arrested at the time?

Q No. He went to Switzerland. Let's talk of something else now. Besides the Communists and the Democrats, there were a number of other people who were so-called friends of peace, or pacifists?

A On the Prussian list?

Q Yes; on the Prussian list.

A Did you see the list?

Q Yes, I saw the list. Kurt Grossman Lehmann Russbueldt and similar people.

A Those are people that I don't even know.

Q Who gave the directions that the pacifists were to be arrested?

A You must ask Diels about that.

Q Did Diels have some kind of plenipotentiary powers from you?

A No. He did not have that. He only had the orders to arrest the Communist leaders and only such people who were in some connection with the intention to exploit the situation to pull something. The pacifists were not mentioned at the time.

Q Then you heard only afterwards that Social Democrats and pacifists were arrested and had been put in concentration camps?

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A Yes.

Q Why didn't you release them at once?

A I did not receive any lists about arrested people except those concerning Communists. It was reported to me that a number of Communist leaders, the number I don't remember, but I believe that there were thousands of them, were arrested.

Q But a number of people, even lawyers, addressed themselves to you because they wanted to have their clients released.

A I want to know who was that?

Q Even through your wife they tried to get your intervention.

A That was in 1933?

Q Yes, and cases were investigated constantly. Why did those people address themselves to your wife?

A Probably because they had the conviction that in this manner the thing could come to my knowledge, which otherwise it wouldn't have done.

Q But in this manner you heard that people had been arrested who were not Communists and not Social Democrats?

A I am telling you again at that time they did not address themselves to my wife in this connection. That was in the later years that people addressed themselves to me in such a manner, people who wanted to get out of concentration camps and so on, but not at that time.

Q But at that time, in the year 1933, there was a Ministerialdirektor Herrmann, who was arrested. He belonged to the Ministry of Justice, and he was released through the help of your wife.

A It may be so for single cases.

Q For instance, Ministerialdirektor Carl Falk tried to get released

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by addressing himself to your wife.

A I don't remember him. He was in the Federal Office for Coordinating Relief Claims.

Q A certain Felix Boenheim, a Doctor, who got released with your help and with the help of your wife.

A I don't remember that name either.

Q That was in 1933.

A In any event, they addressed themselves to my wife, because they had the conviction that thus it would come to my notice.

Q If I understand you right, those arrests would have taken place even without the Reichstag fire?

A Yes, those Communists would have been affected even without the Reichstag fire.

Q Also the arrest of Social Democrats, as far as these people were affected?

A Yes, that is true, for Social Democrats who were on the extreme Left.

Q Was Ernst Heilmann, who had been arrested, on the Right or on the Left? Ernest Heilmann, whom you knew very well?

A I can't say that today any more.

Q Do you know that the Communists attacked him very sharply because he was on the Right side of the Social Democrats?

A No, I don't know that, and I don't even know that he was arrested. There were several who had formerly belonged to the Left: Independent Social Democratic Party.

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(GERMAN)

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Q Now I am speaking of those people who were on the Right, for instance, the Police President Eggerstedt of Altona.

A Eggerstedt was among several other police presidents who were arrested for other reasons. Our police thought it necessary because the Prussian Police was very strongly influenced by the Social Democrats, but that has nothing to do with this matter.

Q Is that really your conviction that this had nothing to do with this matter?

A No, it is independent. But, for instance, I received personally the Social Democrats Oberpraesidents, and I told them that those people would have to leave their jobs.

Q You did?

A Yes. Afterwards I even gave express directions for several leading Social Democrats.

Q Why has the Catholic Ministerial Director Erich Klausener been killed?

A That happened quite some time after.

Q That was in 1934.

A That was absolutely a wildcat act on the part of Heydrich.

Q You know that you are made responsible for that by certain people?

A Yes, I am only telling you that, but I had nothing to do with him, even distantly. I kept him in the ministry.

Q But that is not correct, Klausener was transferred by you to the Traffic Ministry on the 13th of February 1933.

A I arranged for that, because I couldn't keep him in the Ministry of the Interior. I didn't push him out. I got him another job. His killing, which took place on the 30th of June 1934, along with a whole number of wild

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(OVER)

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actions, without any authorization or knowledge by me.

Q What did you do in the case of the assassination of Klausener when you heard that? Did you have those people punished?

A No. The Fuehrer declared the amnesty, the same as for Kahr's murder. The Fuehrer did not allow any prosecution in these cases. That was by decision of the Reichstag that no measures should be taken by the State, and it was quite impossible to do anything about it.

Q What was discussed about the activities of Ernst? While they perhaps might have started the Reichstag fire, what kind of interest could they have had? In a criminal case, we always ask: Whose interest?

A It was only discussed once, not immediately then, but later when those statements about me were made, it was discussed whether the SA might have been some connections within, because that was discussed in the investigation.

Q At what occasion was that discussion about which I learned of from Paul Koerner?

A It was only very briefly discussed, and I myself did not believe it possible, because van Der Lubbe himself had admitted that he had started the fire.

Q Who in your circle thought it might be possible?

A I don't know that. I don't know. At any rate, Koerner did not discuss it with me.

Q How about Diels?

A Diels possibly thought it possible.

Q Diels reported to you on that topic. Don't you remember that any

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more? He was rather excited about it, wasn't he?

A What did he report on to me?

Q About the accusations about the SA, and that the SA had started the fire in the Reichstag, and that the people had reportedly gone through your passage.

A He did not say people went through the passage. He said that there were statements that the SA people told him.

Q What did you tell him? Shut up or forget it?

A No.

Q What were the directions you gave him?

A I did not give any directions. I did not think it was possible, because Van Der Lubbe admitted that he had done it.

Q Then you know positively that information about the Communists was given to the press and that the order came out at the desire of the Fuehrer that the Communists did it before any investigation was launched?

A Yes, that was the general conviction, and it was before any great investigation had been completed.

Q You dare to say great investigation? In one hour you can't make any investigation at all.

A But what I mean is, before the investigation took place at all.

Q Those are the main questions about that.

Do you want to add anything to this chapter?

A The thing that became known very soon even in the first hour was that the last person who had been seen in the Reichstag was Torgler. Those things came up in this connection.

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Q But this allegation was made later than the statement about the Communists?

A No. What was later? What do you mean was later?

Q I mean at ten or eleven o'clock your press officer, a Catholic official, said in my presence that he was ordered by you, Goering, to state that the Communists had done it.

A I think it is quite out of the question that the press expert said something like that.

Q Well, in substance, not in this form.

A Well, it would have been idiotic and I just wanted to mention that. As far as I remember, one guard of the Reichstag told the Fuehrer that the last deputy who left the Reichstag was Torgler. That was already known at the time.

Q Then this covers this topic. You had nothing to do with it and the rumor was that it was the SA.

A No, I had nothing to do with it. I deny it absolutely, and I am looking forward to any people that you will confront me with.

Q In conclusion, the possibilities on it are, one, that if Van Der Lubbe did it, and the other that the SA did it for some political reasons.

A On all conditions Van Der Lubbe was concerned with it, because he was caught.

Q But Van Der Lubbe was half lunatic, wasn't he? You know that.

A Yes.

Q Isn't it possible that Van Der Lubbe was engaged by the SA and those people?

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A Yes. Well, I read the letter. As far as I know, Lubbe could not speak a word of German.

Q Well, there are interpreters who could have told him.

A How could they have gotten together with Van Der Lubbe? But everything is possible.

Q Everything is possible, yes. But would you go as far to say--I am not talking about your personal position--that the Reichstag fire came at a very opportune moment?

A I can really tell you frankly that the Reichstag fire was very inopportune for us.

Q To whom?

A To the Fuehrer as well as to me as the President of the Reichstag. If such a finale had to be given, then, there would have been buildings which could have been better used which were not as essential.

Q Which building, for instance, could have been a better finale than the Reichstag? The Castle of Berlin.

A Yes. The Castle or some other building. After the fire, I had to choose the Kroll Opera House for the use of the Reichstag. You will know that I had a very great interest in my State Theatre and that was very hard on me, because the Kroll Building was the second place where the smaller opera performances were given.

Q But you know that there were the differences between Goebbel's opera in Charlottenburg and your own?

A But that only happened very much later, very much later. That must have been towards the end of 1933.

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(OVER)

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Q You don't believe that Goebbels had anything to do with the SA in this matter?

A I really can't imagine that.

Q You can't imagine that?

A No, I really can't.

Q If you don't think about this case we have today on you, but merely think historically, who were the people who were interested in something like that, generally? I ask you as a politician, as the Prussian Prime Minister at that time.

A I have to reiterate that there was no reason necessary for the actions to be taken against the Communists. I already had some valid reasons in the form of assassinations and so on. That arson was to be used, or should be used, or could, well--I am really thinking what interest Ernst could have had. Suppose that he said, "Let us put fire to it and then give out the information that it was the Communists." Then I can only think that the SA believed in this connection to be able to play a stronger part in the government.

Q Yes. Now we are really getting some place.

A Yes, to have a free hand and to really take stronger action against the Communists. That is what I can now say, looking back, if I can reconstruct any reason at all. They did not believe that the measures should be taken by the police as regular police measures, and that the SA would be called as an emergency force, and that they could at this moment get a stronger control of the State.

Q Isn't there also the fact that the old gentleman, Hindenburg, would not have given his signature to the law of February 28 without such a finale?

H3299 - 0024

That is what Meisner told me. Since you had the opportunity to tell him about the alleged crime of the Communists, he would throw up his hands and say, "Ah," but if the Reichstag has burned, he would have signed it?

A I don't believe that, because at that time he even signed quite different things.

Q What did he sign?

A It was much harder for him to sign his name to the law on the Swastika Flag, to the use of the Swastika Flag.

Q Who submitted that February 28 decree to him?

A The decree for the protection of People and State which enabled the police to arrest anybody, only the Reichs Chancellor could have submitted it to him.

Q Did he go there alone?

A No. As far as I remember, he sent von Papen there.

Q Was Papen with him, or did he send Papen?

A I don't know that.

Q All right.

A I was not involved in this decree at all. I know that this had to be submitted by the Chancellor.

Q Who worked it out?

A This had not been worked out. This is something that is contained in the constitution. If emergency conditions are published, then such a decree is applicable.

Q No. That's wrong. Somebody drafted the emergency decree, which appeared on the 28th of February in the Reichsgesetzblatt. Who worked it out?

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(GOERING)

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A I don't know. We will have to ask the people.

Q Was it in the Prussian Ministry of Interior?

A No, it wasn't.

Q Was it in the Reichsministry of Interior?

A It is possible that it is in the Reichsministry. Probably. I believe that it wasn't even worked out there. I believe it was worked out in the Reichschancellery.

Q Who was at that time the State Secretary in the Reichschancellery?

A It was Lammers.

Q You believe that it was worked out there?

A It is probable. I can't say for certain. It may have been collaboration between the Reichschancellery and the Reichsministry of the Interior, but as such it has a wording which had already been repeatedly used for emergency conditions.

Q For this emergency condition?

A This was not used for the first time, but it had already been given repeatedly from other governments.

Q There is one other question. Some of the generals told that you bragged to have been in connection with the Reichstag fire.

A These generals talk absolute nonsense. In the strongest way I protest against this, because people say I did it. Only in fun I said it once. The next time I don't even believe any more that Nero burned Rome, because the next time they will say that I stood there with a toga and played a violin.

Q It was only a joke when you said it?

A You mean that what the generals said was fun? Oh, I didn't tell that

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to the generals, but I told that to some other people. After the attack on me, I said I don't believe any more that Nero burned Rome, because the next time the people will state that I had a blue togs on and was playing a violin, watching the Reichstag fire. Thus I was informed in the hotel where I spent the evening.

Q But you were at the Reichstag at a rather early time. I saw you walking downstairs. Didn't you?

A Yes. When I came, the hall burned. I almost lost my life in there. It was only fortunate coincident. If I hadn't been caught by my belt on the telephone booth, I would have been scorched rather badly.

Q Didn't you stand in front of the place on the big stairs?

A I stayed there for hours, of course, but when I first came there, the big hall was burning by flames and the left cupola was collapsing. But what the general has told is not true. I would like to see him and have him tell that to my face. That is lunacy. Even if I started the fire, I wouldn't brag about it.

Q Thank you.

A If I started the fire, then I would have burned it for a completely different reason.

Q For what reason?

A Because the big congress hall was so ugly. It had plaster walls. I must reiterate again that the arrests would have taken place under all circumstances.

Q The arrests of the opponents of the State?

A Yes. In first line, the Communists.

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(GURDG)

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APPROVED:

(Interrogator)

(Interpreter)

(Reporter)

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